

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7577 OF 2005

Z.P. Sangli & Anr. ... Petitioners

Versus

C.M. Gunjate & Ors. ... Respondents

Shri Amit Sale for the Petitioners

Shri Anilkumar Patil for the Respondents

CORAM : S.R. SATHE, J.

DATED : 29/01/2007

P.C. :-

1. Heard the learned Advocates for both parties.
2. Rule, rule returnable forthwith.
3. Perused the papers.
4. Having regard to the fact that there was some delay on the part of the petitioner in depositing the cost for restoration, the matter is decided against the petitioner.
5. Having regard to the facts that it was necessary to determine the real controversy between the parties in the matter, it was necessary to

allow the petition subject to payment of costs.

6. The Petitioner is directed to pay costs of Rs.5,000/- within period of six weeks. On deposit of such costs, Regular Civil Appeal No.30 of 2001 is to be restored and thereafter the said appeal be heard as expeditiously as possible.

7. Petition disposed of in the above terms.

(S.R.SATHE, J)